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PATENT APPLICATION TRANSMITTAL LETTER			кі	KIRK 3.0-001	
TO THE COMMISSIONER OF P		S:			
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MARK ANDREW VICTOR	R SCHALLY AND RE	EN ZHI CAI			
for BIOLOGICALI	LY ACTIVE OCTAPE	EPTIDES			
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		Omri M.			
		kegis. N	0. 22,940		
Telephone (201)49	4-5240				
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Schally et al.

Serial No. 727,105

Group Art Unit: 123

Filed: 4/25/85

Examiner: D. Phillips

FOR: BIOLOGICALLY ACTIVE OCTAPEPTIDES

April 18th, 1986 Edison, N.J. 08837

DISCUSSION OF THE PRIOR ART

Hon. Commissioner of Patents & Trademarks Washington, D.C. 20231

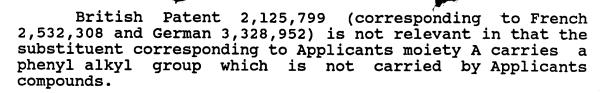
Dear Sir:

Applicants have conducted a search of the art relating to the present application in the Austrian Patent Office who found a number of references, some of which are of significance and some of which are not of significance. While this paper will mention all references found, only copies of the English language counterparts are enclosed.

NON-RELEVANT PATENTS

U.S. 4,440,904 is not relevant since the present application concerns an octapeptide and the reference application concerns a nonapeptide.

U.S. patents 4,282,143 and 4,443,434 and European EP-Al-0030920 (corresponding to DDR. Patent No. 154098). These patents are not considered relevant since they relate to a situation where the terminal groups corresponding to Applicants moiety B, is other than an amino acid amide.



RELEVANT PATENTS

The broad disclosures of U.S. patents 4,439,403 and 4,435,385 may, in a generic sense, disclose the compounds disclosed and claimed in the present application. This disclosure however, particularly with reference to moiety "E" which is equivalent to moiety "Y" in Applicants application, is so broad as to be substantially meaningless and can not constitute a teaching of Applicants invention. The Bauer patents specifically disclose, as do Applicants, the threonine moiety in this position. They do not mention valine. It is Applicants position that the broad disclosure of Bauer cannot be read as teaching valine.

A further view of the two Bauer patents discloses further similarities. The 4,435,385 patent designates the group F (Applicants group B) as having a possible value of an amide (-CO-N.R3.R4) R₃ and R₄ may be hydrogen. Applicants however require that in this position there be not only an amido group but an amino acid amide. The '385 patent does in fact disclose such a grouping. In an alternate modification the R₄ may be -CH(R5)X. R₅ may, inter alia, be the substituent attaching to the alpha carbon of a natural alpha amino acid, specifically disclosed at 12.2 as being -CH(OH)CH₃, the threonyl residue. The X group which may be an amido group must clearly be attached to the carbon of the R₄ group. Hence, '385 Bauer discloses or suggests Applicants'B group.

However, as there is no specific teaching in the references of the "E" group as valine, Applicants have restricted the claims thereto. A similar circumstance may be deduced from the '403 Bauer patent.

Hence, it is respectfully submitted that while the two Bauer patents are relevant to Applicants invention as now claimed, they in no way suggest or teach it and therefore are not available as a basis of rejection.

Respectfully submitted,

Omri M. Behr

Regis. No. 22,940

Telephone (201)494-5240 DOC.8 # 36 KIRK 1